

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8931 of 2005

Between:

- 1 Devalla Srinivasula Reddy, S/o.Panduranga Reddy,
R/o.Peduru Village & Post, Thotapalli Gudur Mandal,
Nellore District.
- 2 Veguru Kota Reddy, S/o.Subbarami Reddy,
R/o.Peduru village & Post, Thotapalli Guduru Mandal,
Nellore District.

..... PETITIONER(S)

AND

- 1 The District Collector, Nellore, Nellore Dist.
- 2 The Mandal Revenue officer, Thotapalli Gudur Village & Mandal, Nellore District.
- 3 Thikkavarpu Sanath Kumar Reddy, S/o.Sivakota Reddy,
Ex.president of peduru, P.A.C.S., T.P.Gudur Mandal, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in publishing the supplementary voters list of the 3rd respondent for Macharlavaripalem water Users Association, T.C.IV of Thotapalli Gudur Mandal, Nellore District without following the rules and guidelines and without having any power is arbitrary, Unreasonable and accordingly set aside the impugned T.C.No. IV of T.P.Gudur Mandal and consequently direct the respondents 1 and 2 to conduct elections basing on the voters list which was published on 28-3-2004 and to pass such other or further orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court, at the stage of admission, made the following ORDER :

This writ petition is filed seeking a *Writ of Mandamus* declaring the action of the 2nd respondent in publishing the supplementary voters list including the name of the 3rd respondent, without following the rules and guidelines, as arbitrary and illegal, and consequently to direct the respondents 1 and 2 to conduct the elections for Macharlavaripalem Water Users Association, T.C. IV of Thotapalli Gudur Mandal, basing on the voters list, which was published on 28.03.2004.

Learned Government Pleader for Irrigation submitted that against the inclusion or deletion of the persons in the voters list, an appeal is provided to the District Collector under Rule 10 of Andhra Pradesh Farmers' Management of Irrigation Systems (Delineation and Formation of Water Users Association) Rules, 2003. It is further stated that as per Rule 10, the District Collector has to dispose of the appeal within one week from the date of receipt of the same.

Petitioner without availing the efficacious remedy of appeal provided under the above said Rules, straight away approached this Court and filed the present writ petition, which is not maintainable. In view of the same, the writ petition is dismissed. However, this order does not preclude the petitioner to approach the appellate authority under Rule 10 of the above said Rules. There shall be no order as to costs.

20.04.2005

To

- 1 The District Collector, Nellore, Nellore Dist.
- 2 The Mandal Revenue officer, Thotapalli Gudur Village & Mandal, Nellore District.
- 3 2 CCs to the Government Pleader for Irrigation, High Court of A.P., Hyderabad.
- 4 2 CD copies.